

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GS HOLISTIC, LLC,

Plaintiff,

v.

TOBACCO OUTLET, INC
d/b/a TOWER ZONE SMOKE SHOP &
VAPE, ET AL.

Defendants.

No. 2:22-cv-02089-KJN

ORDER VACATING HEARING AND
ORDER TO RESPOND

Plaintiff, GS Holistic, LLC, filed a motion for default judgment against defendant, Tobacco Outlet, Inc., d/b/a Tower Zone Smoke Shop & Vape, on March 10, 2023. (ECF No. 12.) The matter is set for hearing on April 25, 2023. Pursuant to Local Rule 230(c), defendant was required to file an opposition or statement of non-opposition to the motion no later than fourteen (14) days after the filing date of the motion, i.e. March 24, 2023. Although that deadline has passed, no opposition or statement of non-opposition was filed.

Out of an abundance of caution, and in light of the court's desire to resolve the action on the merits, the court provides defendant one additional, final opportunity to oppose the motion.

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ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The April 25, 2023 hearing on plaintiff's motion for default judgment is VACATED. The court takes this matter under submission on the papers without oral argument, pursuant to Local Rule 230(g). The court will reschedule a hearing at a future date, if necessary;
2. Any opposition by defendant shall be filed no later than April 11, 2023, and the reply brief from plaintiff, if any, is due April 18, 2023;
3. Defendant is cautioned that failure to respond to the motion in compliance with this order will be deemed as consent to a summary grant of the motion, and may result in the imposition of a default judgment against it; and
4. Plaintiff shall promptly serve a copy of this order on defendant at its last-known address, and file a proof of service.

Dated: March 29, 2023

Rs,gsho.2088


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE